REMARKS

Claims 10, 32, 40 and 47 have been amended to correct clerical errors and not for any reason of patentability. Claims 1-53 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Objections to the Specification:

The Examiner objected to the Abstract of the Disclosure for exceeding 150 words. The Abstract of the Disclosure has been amended and is now less than 150 words.

The Examiner objected to the Title as not being descriptive. The Title has been amended. Applicants assert that the amended Title is clearly indicative of the invention to which the claims are directed.

Section 103(a) Rejection:

The Examiner rejected claims 1-53 under 35 U.S.C. § 103(a) as being unpatentable over Jain et al. (U.S. Publication No. 2002/0073091) (hereinafter "Jain") in view of Wu et al. (U.S. Patent No. 5,774,551) (hereinafter "Wu"). Applicants respectfully traverse this rejection in light of the following remarks.

In regard to claim 1, contrary to the Examiner's assertion, the cited art does not teach or suggest generating a computer programming language object from a data representation language <u>representation of the object</u>, wherein the object is an instance of a class in the computer programming language. The Examiner refers to the teachings in Jain regarding converting an XML document 102 to a Java object 124. However, the XML document in Jain is not a representation of an object that is an instance of a class in a computer programming language. Instead, the XML document in Jain is a representation of data. Like other conventional uses of XML, Jain teaches using XML to represent data, not programming language objects. Specifically, the XML document in

Jain represents address information (paras. [0031] & [0032]; Figs. 2 & 3). Therefore, Jain only teaches converting a representation of address data into a Java object. Jain does not teach generating a computer programming language object from a data representation language representation of the object, wherein the object is an instance of a class in the computer programming language.

Further in regard to claim 1, contrary to the Examiner's assertion, the cited art does not teach or suggest deleting the <u>computer programming language object that was accessible for use</u> in response to the user terminating access, wherein the deleted object is not accessible for use by subsequent users of the client device. The Examiner refers to the teachings of Wu regarding removal of a user's authentication token and credentials when the user logs out. The authentication token and credentials in Wu are simply the information that is used to authenticate the user. The authentication token and credentials in Wu are not a computer programming language object that is an instance of a class in the computer programming language and that is accessible for use while the user is accessing the client device. Wu refers to deleting the information that is used to authenticate a user, not an object that the user accesses once he has been authenticated.

In light of the above remarks, Applicants assert that the rejection of claim 1 is not supported by the teachings of the cited art. As such, Applicants respectfully request removal of the 35 U.S.C. § 103(a) rejection of claims 1-9. Similar remarks apply in regard to claims 22-31 and 43-46.

In regard to claim 10, contrary to the Examiner's assertion, the cited art does not teach or suggest a client device receiving a message in a data representation language from a service device in the distributed computing environment, wherein the message includes a data representation language representation of a computer programming language object. The Examiner refers to Jain's teaching at paragraph [0072] that the "Computer system 700 can send messages and receive data, including program code, through the network(s)". However, Jain does not teach receiving a message in a data representation language <u>from a service device</u> in the distributed computing environment,

wherein the message includes a data representation language representation of a computer programming language object. Note that Jain does not teach that the XML document 102 that is converted to a Java object is received in a message from a service device. Furthermore, as discussed above in regard to claim 1, the XML document in Jain is a representation of data, not a representation of a computer programming language object.

Further in regard to claim 10, contrary to the Examiner's assertion, the cited art does not teach or suggest determining if the user has access rights to the computer programming language object; if said determining determines the user has access rights to the computer programming language object, generating the object from the data representation language representation of the object; and if said determining determines the user does not have access rights to the computer programming language object, not generating the object. The Examiner refers Wu which teaches that "after the user has been authenticated, a session opened, and the user's account validated, the user is granted [] access to the other services available on the computer system". Thus, Wu teaches a one-time authentication after which a user is granted access to a computer system's services. Wu does not teach determining if a user has access rights to a particular computer programming language object represented in a received data representation language message. There is no suggestion in either Wu or Jain of applying access rights to the XML address data document in Jain as a condition for converting the document to a Java object.

Further in regard to claim 10, contrary to the Examiner's assertion, the cited art does not teach or suggest generating a computer programming language object from a data representation language representation of the object, wherein the object is an instance of a class in the computer programming language. The Examiner refers to the teachings in Jain regarding converting an XML document 102 to a Java object 124. However, the XML document in Jain is not a representation of an object that is an instance of a class in a computer programming language. Instead, the XML document in Jain is a representation of data. Like other conventional uses of XML, Jain teaches using

XML to represent data, not programming language objects. Specifically, the XML document in Jain represents address information (paras. [0031] & [0032]; Figs. 2 & 3). Therefore, Jain only teaches converting a representation of address data into a Java object. Jain does not teach generating a computer programming language object from a data representation language representation of the object, wherein the object is an instance of a class in the computer programming language.

In light of the above remarks, Applicants assert that the rejection of claim 10 is not supported by the teachings of the cited art. As such, Applicants respectfully request removal of the 35 U.S.C. § 103(a) rejection of claims 10-21. Similar remarks apply in regard to claims 32-42 and 47-53.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicants further note that the rejection is improper because the Examiner has not shown that Jain qualifies as a prior art reference. The Examiner has the burden of proof to produce the factual basis for the rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Since the Examiner has not proven that Jain qualifies as a prior art reference, the Examiner has not met this burden of proof and the rejection is improper. More specifically, Jain is a published U.S. patent application that was filed on Jan. 5, 2001, after Applicants' filing date of Sep. 15, 2000. Jain does claim the benefit of a provisional application filed Jan. 7, 2000. However, the Jan. 7, 2000 filing date can only be used as Jain's 35 U.S.C. § 102(e) prior art date for the subject matter that is common to both the published application and the provisional application. Since it is common practice for a later filed utility application to include more or different subject matter than its earlier provisional application, it is unclear whether the material in Jain relied upon by the Examiner was actually present in Jain's provisional application. Therefore, Applicants request that the Examiner provide a copy

of Jain's provisional application and show that the subject matter on which the Examiner is relying on to reject Applicants' claims is also present in Jain's provisional application. Until the Examiner has made this showing, the rejection is improper. *See, In re Wertheim*, 209 USPQ 554 (CCPA 1981).

Moreover, Jain's published application is not entitled to the Jan. 7, 2000 date as a section 102(e) prior art date unless at least one claim of Jain's published application is supported (under 35 U.S.C. § 112) in the provisional application. Under 35 U.S.C. 119(e)(1), a published utility application is not entitled to its provisional application's filing date as a prior art date unless at least one claim of the published utility application is supported (per 35 U.S.C. § 112) in the provisional application. The rejection is improper unless the Examiner can show that Jain's published application has the necessary claim support in the provisional application to be entitled to the provisional application's filing date as its § 102(e) prior art date. *See also* M.P.E.P. § 2136.03(IV).

Since the Examiner has not provided the necessary evidence to show that the Jain's published utility application is prior art to the present application, the current rejection is improper.
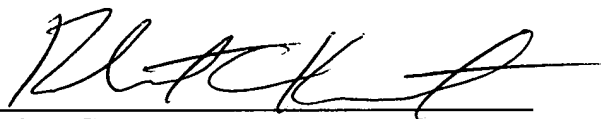
CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-47300/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of $ for fees ( ).

☐ Other:

Respectfully submitted,

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